BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE
MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

PRESENT:

THE HONOURABLE MR.JUSTICE P.A.MOHAMMED
(RETD. JUSTICE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR.JUSTICE M.R.HARIHARAN NAIR
(RETD. JUSTICE, HIGH COURT OF KERALA)

WP(C).No. 9067 of 2005(D)

AGAINST THE ORDER DATED 11 /02/2005 IN EA 696/2004 IN EP 377/2002 IN OS.157/1999 of MUNSIFF COURT, OTTAPPALAM

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PETITIONERS:
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1. KOCHI,
D/O.LATE PARAPPARIKUNATH KORI, KULAPPULLY AMSOM,
DESOM, OTTAPPALAM TALUK, NOW RESIDING AT
NELLIKKUNNUPARAMBIL HOUSE, PANAYUR P.O.,
VANIYAMKULAM(VIA), PALAKKAD DISTRICT.

2. VASUDEVAN,
S/O.LATE PARAPPARIKUNNATHU KALI,
DO.DO. NOW RESIDING AT KALATHIL VEEDU,
KOONATHARA P.O., KAVALAPPARA-VIA,
PALAKKAD DISTRICT.

BY ADV. SRI.T.K.MARTHANDAN UNNITHAN
SRI.V.JAYAKUMAR

RESPONDENTS:
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1. ABOOBACKER,
S/O.PARAMBIL ABDU RAHIMAN HAJI,
KALLADIPATTA AMSOM, MULLURKARA DESOM,
ONGALLUR VILLAGE, OTTAPALAM TALUK.

2. VELAYUHDAN,
S/O.LATE PARAPPARIKUNNATHU KORI,
KULAPPULLY AMSOM, DESOM, OTTAPALAM TALUK,
NOW RESIDING AT KIZHAKKEKARAKUNATHU HOUSE,
KULAPULLY P.O., SHORANUR, PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH
SRI.P.P.SURESHKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE PRELIMINARY DECREE IN O.S.NO.157/1999 OF THE MUNSIFF'S COURT OTTAPALAM DATED 28.9.2000.

EXT. P2: COPY OF FINAL DECREE DATED 30.10.2001 PASSED BY THE MUNSIFF'S COURT OTTAPALAM IN OS.NO.157/1999.

EXT. P3: COPY OF PROCLAMATION SCHEDULE DATED 15.10.2002.

EXT. P4: COPY OF PETITION DATED 19.10.2004 IN EA.NO.696/2004 IN EP.NO.377/2002 IN OS.NO.157/1999 OF THE MUNSIFF'S COURT OTTAPALAM.

EXT. P5: COPY OF ORDER DATED 11.2.2005 IN EA.NO.696/2004 IN EP.NO.377/2002 IN OS.NO.157/1999 OF THE MUNSIFF'S COURT OTTAPALAM.

/TRUE COPY/

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P.A.MOHAMMED (RETD. JUDGE) &
M.R.HARIHARAN NAIR (RETD. JUDGE)

W.P.(C) No. 9067 OF 2005(D)

Dated this the 27th day of November, 2006

A W A R D

P.A.MOHAMMED (Rtd. Judge)

1. Petitioners agree to give up claim for 5 cents of land lying adjacent to the Panchayath Road and contiguous to the 9 cents of land held by the 1st Respondent as shown in the sketch appended herewith .

2. In view of the above the 1st respondent agrees that the sale held on 4.8.03 and confirmed by the Munsiff's Court, Ottappalam on 6-10-2003 be set aside on production of a copy of this compromise and on filing an application by the petitioners in respect of the remaining 13 cents and the said land extent re-delivered to the petitioners by the above Court.

3. Parties agree that status quo prevailing as on this date be maintained by both sides in respect of the 18 cents until re-delivery of the 13 cents in favour of the petitioners take effect.

4. Parties agree to suffer their costs in this WP(C) and in the EP proceedings of the Munsiff's Court, Ottapalam.

5. The amount of Rs.5,000/- deposited by the petitioners in the Execution Court pursuant to High Court Order No.WP(C) 9067/2005-D dated 18/3/05 may be returned to the petitioners in the Writ Petition.

Writ Petition is disposed of as above.

P.A.MOHAMMED
(RETD. JUDGE)

M.R.HARIHARAN NAIR
(RETD. JUDGE)

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